



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIARA ESPERANZA, on behalf of herself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

-against-

DYCKMAN BAR, CORP., MARY K. MAC, INC.,
and JOSE F. GALEAS, individually,

Defendants.

Civil Action No.:
17-cv-8766 (AJN)

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, and
ORDERED by the Court, that:

- (a) the parties' settlement of claims under the Fair Labor Standards Act is fair and reasonable, and is approved under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332 (S.D.N.Y. 2012); *
- (b) the above-captioned action is dismissed *with prejudice* pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and without an award of costs, disbursements, or attorneys' fees to any party except as otherwise provided for in the parties' agreement; and

(c) the Court shall retain jurisdiction of this matter for the sole purpose of enforcing the parties' settlement agreement and entering judgment in accordance therewith should that become necessary.

BORRELLI & ASSOCIATES, P.L.L.C.

By:



Jeffrey R. Maguire, Esq.
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Attorneys for Plaintiff

FURGANG & ADWAR, L.L.P.

By:

/s/ Armando Llorens
Armando Llorens, Esq.
515 Madison Avenue, Suite 5A
New York, New York 10022
Attorneys for Defendants

Dated: November 28, 2018

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SO ORDERED, on the 9th day of January, 2018, New York, New York:
2019

Katharine H Parker
The Honorable Alison J. Nathan, U.S.D.J.
KATHARINE H. PARKER
United States Magistrate Judge

* **Section 7 of the parties' settlement agreement (titled "Non-disparagement") is approved subject to the condition that Plaintiff is not prohibited from disclosing the fact that she brought a claim for unpaid wages, including overtime; disclosing the allegations in the complaint; or stating that the case was settled, without admission of liability, by the parties.**